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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/595,275	06/15/2000	Janne parantainen	297-009504-US(PAR)	9365
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PERMAN & GREEN 425 POST ROAD FAIRFIELD, CT 06824				
			EXAMINER FAN, CHIEH M	
			ART UNIT 2634	PAPER NUMBER

DATE MAILED: 01/28/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/595,275

Applicant(s)

PARANTAINEN, JANNE

Examiner

Chieh M Fan

Art Unit

2634

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 17 November 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-6 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1 and 4-6 is/are rejected.
- 7) ☒ Claim(s) 2 and 3 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. §§ 119 and 120

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
- a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Information Disclosure Statement

1. The applicant indicates a copy of form PTO-1449 originally filed on July 31, 2000 is submitted with the latest amendment filed 11/17/03 (see page 9 of the amendment). However, the examiner cannot find such copy of form PTO-1449. Therefore, the reference associated with the IDS has not been considered.

Specification

2. The applicant amends the specification in the response filed 11/17/03. However, the applicant apparently indicates incorrect page numbers and/or line numbers to insert/replace the proposed specification amendment. The amendments in the specification therefore have not been entered. Applicant is required to submit a new specification amendment with indication of correct page number and/or page number to insert/replace the proposed specification amendment.

3. Applicant is reminded of the proper language and format for an abstract of the disclosure.

The abstract should be in narrative form and generally limited to a single paragraph on a separate sheet within the range of 50 to 150 words. It is important that the abstract not exceed 150 words in length since the space provided for the abstract on the computer tape used by the printer is limited. The form and legal phraseology often used in patent claims, such as "means" and "said," should be avoided. The

Art Unit: 2634

abstract should describe the disclosure sufficiently to assist readers in deciding whether there is a need for consulting the full patent text for details.

The language should be clear and concise and should not repeat information given in the title. It should avoid using phrases which can be implied, such as, "The disclosure concerns," "The disclosure defined by this invention," "The disclosure describes," etc.

In particular, the abstract contains several occurrences of the word "said".

Claim Objections

4. Claims 2 and 3 are objected to because of the following informalities: In claim 2, "mapping a set of Quality of Service parameters" recited in steps b1) and b2), respectively, should be changed to --- mapping the set of Quality of Service parameters --- (emphasis added) since such limitation has been recited in steps a1) and a2). Appropriate correction is required.

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 1 and 4-6 are rejected under 35 U.S.C. 103(a) as being unpatentable over the admitted prior art in view of Kronestedt et al. (U.S. Patent No. 6,308,082, "Kronestedt" hereinafter).

Regarding claim 1, the admitted prior art teaches a method for a communication connection over a radio interface between a terminal and a base station of a cellular packet radio system comprises the step of:

communicating a request message to the decision-making device, said request message indicating a need for setting up a new radio bearer between the terminal and the base station or changing the characteristics of an existing radio bearer between the terminal and the base station (see page 5, lines 32-34 of the specification of the present application) and indicating a certain set of Quality of Service parameters associated with certain first communication connection (see page 5, lines 32-34 of the specification of the present application).

The admitted prior art does not teach the steps of "mapping said set of Quality of Service parameters to a certain first channel coding and/or interleaving scheme as a part of the channel coding and/or interleaving scheme allocation made by the decision-making device" and "communicating said first channel coding and/or interleaving scheme to the base station and the terminal for them to apply said first channel coding and/or interleaving scheme in said first communication connection".

On the other hand, Kronestedt discloses the steps of:

communicating a request message to the decision-making device (col. 3, lines 53-56), said request message indicating a certain set of Quality of Service parameters associated with certain first communication connection (col. 3, lines 56-61),

mapping said set of Quality of Service parameters to a certain first channel coding and/or interleaving scheme as a part of the connection-specific channel coding and/or interleaving scheme allocation made by the decision-making device (46 in Fig. 4, also see col. 4, lines 30-34, col. 2, lines 60-62, col. 5, lines 24- 30) and

communicating said first channel coding and/or interleaving scheme to the base station and the terminal for them to apply said first channel coding and/or interleaving scheme in said first communication connection (44 in Fig. 4, col. 4, lines 35-36, col. 5, lines 16-20).

Kronestedt further teach that a good quality link needs little or no channel coding to achieve an acceptable BER. On the other hand, in order to achieve an acceptable BER, a poor connection may need a higher channel-coding rate (col. 1, lines 37-42). Therefore, it is advantageous to use a link adaptation algorithm that adaptively chooses, from multiple coding schemes, the one channel coding scheme that achieves the highest throughput based on the time varying quality of the link (col. 1, lines 43-59).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to incorporate the steps of “mapping said set of Quality of Service parameters to a certain first channel coding and/or interleaving scheme as a part of the channel coding and/or interleaving scheme allocation made by the decision-making device” and “communicating said first channel coding and/or

Art Unit: 2634

interleaving scheme to the base station and the terminal for them to apply said first channel coding and/or interleaving scheme in said first communication connection" into the communication connection method of the admitted prior art, so as to achieve highest throughput that is adapted to the link quality.

Regarding claims 4 and 5, the claimed limitation of communicating a request message in response to an observed need is inherent since a request message would not be sent if it were not needed to establish or re-establish a communication connection.

Regarding claim 6, claim 6 recites equivalent limitations as in claim 1, and is therefore rejected for the reason applied to claim 1 above.

Response to Arguments

7. Applicant's arguments with respect to claims 1 and 6 have been considered but are moot in view of the new ground(s) of rejection.

Allowable Subject Matter

8. Claims 2 and 3 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims, and rewritten to overcome the claim objections in Paragraph 4 of this Office Action.

Conclusion

9. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Chieh M Fan whose telephone number is (703) 305-0198. The examiner can normally be reached on Monday-Friday 8:00AM-5:30PM, Alternate Fridays off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Stephen Chin can be reached on (703) 305-4714. The fax phone numbers

Art Unit: 2634

for the organization where this application or proceeding is assigned are (703) 872-9314 for regular communications and (703) 872-9314 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-4700.



Chieh M Fan
Primary Examiner
Art Unit 2634

cmf
January 20, 2004